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TAGS: PGOV ASEC TO

SUBJECT: TOGO: UPDATE ON SECURITY SITUATION

REF: A. LOME 120
 1B. LOME 119
 1C. LOME 115

Classified By: AMBASSADOR PATRICIA M. HAWKINS FOR REASONS 1.4(B)
AND (D)

11. (C) Summary. Parliamentarian and half-brother to President Faure, Kpatcha Gnassingbe, remains in custody after being arrested at the entrance of the U.S. Embassy the morning of Wednesday, April 15 (ref A). The Togolese intelligence agency, ANR, is currently in possession of a large weapons cache purportedly removed from Kpatcha's residence. The state prosecutor has issued several communiqus addressing the situation and has made public the terms of the arrest warrant. The question of his parliamentary immunity from arrest is already being widely discussed, and both local and international press have kept up a steady stream of articles on yesterday's incident. End Comment.

12. (C) ARSO met with Commandant Massina, director of the ANR, late afternoon on April 15 at ANR headquarters. Massina said that Kpatcha was being held there. Massina proceeded to show ARSO a large weapons cache that he stated was taken from Kpatcha's compound. According to ARSO's estimate, the cache included several different types of high caliber machine guns, sub-machine guns and various types of handguns. Police and military uniforms were found with the weapons. Massina also indicated that Kpatcha had given \$1 million to a Togolese army captain to recruit co-conspirators.

13. (U) The state prosecutor, Robert Bakai, stated in a communique on April 13 that what happened at Kpatcha's residence on April 12-13 was a reaction to evidence proving that a coup attempt was imminent. Interestingly, the statement said that a gendarmerie force went to the house to question Kpatcha, and shots were fired (it does not indicate who fired first; later eye-witness reports stated that the Rapid Intervention Unit (FIR) charged the compound). The warrant for Kpatcha's arrest was dated April 14 and was signed by an investigative judge; the charges are 1) attempted attack on state security and 2) the recruiting of criminals under articles 4, 187, 229, 230 and 232 of the Togolese Penal Code. Bakai issued a second communique on April 15, which informed the public that the GOT had proof that Kpatcha was involved in an attack against the security of the state and again referenced the accusations against him.

14. (U) The Executive Board of the National Assembly (NA) issued a statement on April 16 which did not address the issue of parliamentary immunity. It referenced the charges brought by the state prosecutor and acknowledged the seriousness of the crime. The communique, signed by the President of the National Assembly, Abass Bonfoh, said that the Executive Board would support the judicial authorities with the process and asked that the parliamentarians and the population stay calm and patient during the investigation of this affair.

15. (U) The Union of the Forces of Change (UFC), the largest opposition party, issued a surprisingly forceful condemnation of the GOT's actions against Kpatcha. (Comment: The UFC

forcefully condemns every action taken by the GOT or the ruling Rally of the Togolese People (RPT), so this position should not be interpreted as support for Kpatcha. End Comment.) The communique, issued on April 14 and signed by Patrick Lawson, the first vice-president, points out that it is illegal for security forces to go to a home at 22:00 to question a suspect. In addition, the communique states that even if questioning is necessary, it should never be carried out by the military, let alone the FIR. Lawson, himself a member of the National Assembly, notes that Kpatcha has parliamentary immunity and that the NA had never received a request to waive Kpatcha's immunity. He accuses the RPT of continuing to involve the military in political debates. The UFC requests that the NA start a debate in the current session about impunity questions and respect for parliamentary immunity, question the military about the events of April 12-13, and put a commission in place to investigate the same military operation.

¶6. (U) Both local and international press have reported widely on the attack on Kpatcha's compound and his attempt to take refuge at the Embassy. Local papers (although notably not the pro-RPT newspaper Togo Presse) have shown numerous photos of Kpatcha's destroyed house. French and English newspapers have run the official Embassy statement, and only a few have used the word "asylum;" most are correctly using the word refuge. The reports indicating his presence on Embassy grounds have been fairly ambiguous.

¶7. (C) Comment. The discovery of police uniforms indicates a higher level of planning than was originally thought. EmbOffs felt it unlikely that the coup plotters would be able to coordinate the arrests of ten different people at different locations, which was part of the plan, but throwing police impersonators into the mix would have created chaos. The information that Kpatcha paid such a large sum to recruit co-conspirators raises once again the question of his involvement in the drug trade, as it is hard to fathom another way that he could have come by that much cash. The GOT is making every attempt to follow the letter of the law in this situation, and the Ambassador received the personal assurances of the Prime Minister that the prisoners will be treated fairly and humanely. The GOT also announced that the United Nations High Commission for Human Rights representative will be allowed frequent access to check on the condition of the prisoners. The question of Kpatcha's parliamentary immunity remains, but the Embassy has thus far been satisfied with the legality of GOT actions. End Comment.

HAWKINS